

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

CHERYL KING and
KEVIN KING,

Plaintiffs,

Case No. 12-15116

Honorable Thomas L. Ludington

v.

TIFFANEY WILLIAMS,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING
DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT**

Plaintiffs Kevin King, a Michigan Department of Corrections (“MDOC”) prisoner, and his wife, Cheryl King, brought this case pursuant to 42 U.S.C. § 1983, alleging that MDOC employee Tiffany Williams had violated their First Amendment rights by retaliating for their complaints to Williams’ supervisor. On August 7, 2013, Magistrate Judge Charles E. Binder issued a report recommending Defendant’s motion to dismiss be denied because Plaintiffs have stated a claim for First Amendment retaliation and Defendant is not entitled to qualified immunity. As of today’s date, no party has filed any objections to the magistrate judge’s report and recommendation. The election to not file objections to the magistrate judge’s report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the magistrate judge’s report and recommendation, ECF No. 22, is **ADOPTED**.

It is further **ORDERED** that Defendant's motion to dismiss Plaintiffs' amended complaint, ECF No. 14, is **DENIED**.

Dated: September 3, 2013

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney of record herein by electronic means and upon Cheryl King at 14446 Longview Drive, Sterling Heights, MI 48313 and Kevin King #171671 at G. Robert Cotton Correctional Facility, 3500 N. Elm Road, Jackson, MI 49201 by first class U.S. mail on September 3, 2013.

s/Tracy A. Jacobs
TRACY A. JACOBS